

### **REMARKS**

Claims 1, 6, 10, 15, and 20 have been amended. Support for the amendments can be found, for example, in FIG. 11. Claims 25-29 have been canceled without prejudice. Claim 6 in particular has been amended substantively and also to correct a typographical error. Claim 30 has been newly added, and is essentially original claim 4 rewritten in independent form. Claims 1-24 and 30 are pending in this application. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

Claims 20-24 stand rejected under 35 U.S.C. §101 as being directed toward non-statutory subject matter. The rejection is respectfully traversed. Claim 20 has been amended to recite “stored on a computer readable medium.” Claims 21-24 depend from claim 20. Accordingly, Applicant respectfully requests the rejection be withdrawn.

Claims 1, 4, 6, 7, 10, 11, 13, 15, 16, 18, 20, 21, and 23 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Application No. 2003/0227934 to White et al. (“White”). The rejection is respectfully traversed.

As amended, claim 1 recites “wherein upon selection of said first communication part, prior to performing said data re-transfer, an ignore instruction is communicated to that portion of said plurality of transfer destinations which did not transmit reception error information.” White does not disclose this limitation. Claim 1 is therefore allowable over White. Independent claims 6, 10, 15 and 20 have been amended to recite similar limitations and are allowable over White as well. Claims 4, 7, 11, 13, 18, 21 and 21 depend from the above listed independent claims and are allowable over White along with the independent claims and on their own merits. Accordingly, Applicant respectfully requests the rejection be withdrawn and the claims allowed.

Claims 3, 5, 8, 9, 12, 14, 17, 19, 22 and 24 stand rejected under 35 U.S.C. §103(a) as unpatentable over White and further in view of U.S. Patent No. 6,334,161 to Suzuki et al. (“Suzuki”). The rejection is respectfully traversed.

Claims 3, 5, 8, 9, 12, 14, 17, 19, 22 and 24 depend from independent claims 1, 6, 10, 15 and 20 and are allowable over White along with the independent claims at least for the reasons presented above. Suzuki is cited for the purpose of teaching isochronous and asynchronous transmission modes and fails to cure the deficiencies of White. Claims 3, 5, 8, 9, 12, 14, 17, 19, 22 and 24 are therefore allowable over the combination of White and Suzuki. Accordingly, Applicant respectfully requests the rejection be withdrawn and the claims allowed.

Applicant notes that newly added claim 30 is essentially original claim 4 rewritten in independent form. The Office Action relies on White ¶33 as teaching the limitations of original claim 4. White ¶33, however, teaches that “[t]he message is preferably retransmitted with the same Multicast-Broadcast mechanism if retransmission is required for two or more nodes. If only one node requires retransmission, then the transmission will be a normal unicast.” In other words, White only contemplates one of two scenarios: the situation in which one node requires retransmission and the situation in which more than one node requires retransmission. In the latter situation, White will always retransmit via the Multicast-Broadcast mechanism. In contrast, claim 30 teaches making a determination between a broadcast and a unicast method based on “the number of times of communication operations” each method would require respectively. As such, in a scenario of a system involving many data recipients of which only a few require re-transfers, the unicast method would be used under the present invention whereas in the invention of White, an automatic mulitcast would be triggered.

For further explanation, see the specification description of FIGS. 6-10: “It is more efficient to perform the re-transfer of data individually using the one-to-one communication path Pu between the data source apparatus 30 and each of the data sink apparatuses at which the error has occurred, when the reception errors have taken place only at a small number of data sink apparatuses.” Specification, pg. 24, lines 9-14. Hence, unlike in White, the unicast method may be utilized in scenarios inclusive of more than one data sink having an error. Likewise: “On the contrary, in case the reception errors have occurred at all or almost all of the data sink apparatuses for the same data, the re-transfer of the data needed should be performed by the isochronous multicast transmission path PM.” Specification pg. 25, lines 5-9.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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